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University, recently absorbed; the Martha Parsons Hospital and the original endowment fund of the university. New appointments have been announced as follows: Dr. George Dock, of Tulane University; Dr. John Howland, of the University and Bellevue Hospital Medical College; Dr. Eugene L. Opie, of the Rockefeller Institute for Medical Research, and Dr. Joseph Erlanger, of the University of Wisconsin. Construction of new buildings, to cost more than \$1,000,000, will begin at once.

By the will of Stanley O. Thomas, recently probated, Tulane University received a legacy of \$60,000, to be used for the erection of a building.

MR. R. A. BOOTH will give the Willamette University, of Salem, Ore., \$100,000 as an endowment fund on the condition that the institution raises \$300,000 more from other sources.

ACTING upon the suggestion of representatives of the Carnegie Foundation, plans are being completed to merge the medical school of Ohio Wesleyan University with that of Western Reserve University, both of which are located in Cleveland. The students and part of the faculty of the College of Physicians and Surgeons will by this consolidation be transferred to the Western Reserve Medical School, while Ohio Wesleyan University, of which the College of Physicians and Surgeons now is a department, will sever all connections with the Cleveland school.

At the annual business meeting of the board of regents of the University of Wisconsin Eric W. Miller, of the U. S. Weather Bureau station at Madison, was made lecturer in meteorology; Professor J. D. Phillips, of the engineering drawing department, was made assistant dean of the college of engineering; Max Mason was promoted to be professor of mathematical physics from an associate professorship of mathematics. The following were promoted from assistant professor to associate professor: E. B. Skinner, in mathematical physics; L. R. Ingersoll, in physics; E. V. McCollum, in agricultural chemistry, and J. G. Moore, in horticulture.

Promotions from the instructor to assistant professor were made as follows: C. A. Fuller, in bacteriology; W. J. Mead, in geology; H. C. Wolff, in mathematics; W. H. Brown, in pathology; E. M. Terry, in physics; W. J. Meek, in physiology; W. E. Tottingham, in agricultural chemistry; E. J. Dolwiche and A. L. Stone, in agronomy; G. H. Benkendorf, in dairy husbandry, and J. H. Price, in electrical engineering.

AT Columbia University Dr. Edward Kasner has been promoted to a professorship of mathematics, Dr. Russell-Burton Opitz, to be associate professor of physiology and Dr. Raymond C. Osburne to be assistant professor of zoology in Barnard College.

DR. R. DEC. WARD has been promoted to a chair of climatology at Harvard University.

RECENT additions to the faculty of the University of North Dakota are George Alonzo Abbott, Ph.D. (Massachusetts Institute of Technology), professor of chemistry, and Bartholomew J. Spence, Ph.D. (Princeton), assistant professor of physics.

MR. J. A. SMITH has been elected to the Waynflete chair of moral and metaphysical philosophy in the University of Oxford, to fill the vacancy caused by the resignation of Professor T. Case.

DISCUSSION AND CORRESPONDENCE
THE UNIVERSITY OF MINNESOTA AND THE
CARNEGIE FOUNDATION

TO THE EDITOR OF SCIENCE: The following report from the *Minneapolis Journal* of speeches made after a dinner of the Faculty Club of the University of Minnesota has been corrected by the speakers and is forwarded to SCIENCE for publication. The resolutions referred to have been prepared by the executive committee and forwarded to the trustees of the foundation.

X.
UNIVERSITY OF MINNESOTA,
April 29, 1910

Decided protest against the action of the trustees of the Carnegie Foundation in substituting complete disability for the twenty-

five-year service period was made by the members of the Faculty Club of the University of Minnesota at its dinner last night. After a series of spirited talks the executive committee was requested by formal motion to prepare resolutions expressing the sentiments of the club and to forward them to the trustees.

Professor John J. Flather, head of the mechanical engineering department, who presided at the dinner, opened the discussion with a brief but complete history of the establishment of the Carnegie Foundation for the Advancement of Teaching.

Mr. Flather devoted much of his address to the clause which grants a pension to professors in accepted institutions who have had a service of twenty-five years. This rule has been so changed that it will only apply to those who are unable to continue their work through disability.

Mr. Flather said on this point: "Surely, there is no justification for the statement that it was believed that the number of teachers who would avail themselves of retirement under the service provision would be confined almost exclusively to those physically impaired.

"Under the provisions of the foundation a teacher, after twenty-five years of service as a professor, was certainly entitled to retire without having his motives questioned. The recent action of the board is an unjust reflection upon every professor who has accepted the benefits of the foundation under the service requirements, and in consequence will be resented by every fair-minded person.

"If the Carnegie Foundation is to advance the cause of education in what better way can the funds be used than to retire certain teachers after long and meritorious service? If a man has lost interest or is worn out by the many demands upon his energies after a service of thirty to thirty-five years, why is it not wise to retire him after such service instead of waiting until he breaks down altogether, or until he reaches the age of 65 years. Most men will desire to teach until the age limit is reached. Why not, therefore, allow the lesser number to retire if thereby the cause of education will be advanced?

In order to ascertain why college teachers retire Dr. Pritchett sent letters to all teachers on the retired list. From those who had retired below the age of 65, after twenty-five years' service in the grade of professor, forty-two letters were received. Of these twelve had retired on the ground of impaired health; ten retired on account of some college complication, the resignation of one half of the number having been requested. Of the remaining twenty, five desired to engage in research or other professional labor, two took advantage for family reasons; two thought that younger colleagues ought to have the chance to occupy the position they held; five desired to engage in business; six desired recreation and relief from the recitation and lecture room.

The average length of service of all the men from accepted institutions who have been retired to date is practically thirty-five years, and the average age at retirement 60 years.

The rules amended by the board of trustees in accordance with the recommendations of its president, provide a retiring allowance for a teacher on two distinct grounds: (1) to a teacher of specified service on reaching the age of 65; (2) to a professor after twenty-five years of service in case of physical disability, or thirty years as professor and instructor together.

"Although these are the general rules governing retirement, the trustees are nevertheless willing to grant a retiring allowance after the years of service set forth in Rule 1 to the rare professor whose ability for research promises a fruitful contribution to the advancement of knowledge if he were able to devote his entire time to study or research; and the trustees may also grant a retiring allowance after the years of service set forth in Rule 1 to the executive head of an institution who has displayed distinguished ability as a teacher and educational administrator.

"There seems nothing incompatible with the dignity and right of a teacher in retiring for the reasons above assigned. The foundation is not a charity; the retiring allowance is a part of the regular academic compensation and if there is any merit in the service pen-

sion it should not be dependent upon the disability of a professor, nor contingent upon his ability or willingness to become the head of an institution.

"The action of the board in peremptorily abrogating one of the two specific objects of the foundation, is justly looked upon with great disfavor by a large body of men engaged in college teaching, nor can it be justified by the arguments advanced. The system has not been working a sufficient length of time to frame accurate conclusions or to draw inferences which would warrant such drastic measures."

Professor Henry J. Fletcher, of the law school, in discussing the legal aspects of the situation, spoke as follows:

"The Carnegie Foundation is now organized under an act of Congress. It is the trustee of an express trust. It holds a fund the income of which is to be distributed among beneficiaries. These beneficiaries were not named by the founder, but the 25 men selected as trustees (who have now incorporated themselves) were authorized to designate beneficiaries. They have done this, not by name, but by defining classes of persons. When trustees, in addition to their ordinary duties as trustees, are empowered to name the beneficiaries of a trust which they are to administer, and they do name them, a named beneficiary becomes the owner of a definite enforceable, equitable interest in the fund. This equitable interest, so fixed, is vested; it is property; it can not be destroyed by a revocation of the designation, either by the action of the trustee alone, or by the trustee and founder acting together, unless the right of revocation has been reserved. If acting under the authority of the deed of trust, the trustees, instead of naming beneficiaries, define a class, all of whose members are declared to be entitled to participate in the fund as beneficiaries, each individual member of the class has exactly the same rights as if he had been named.

"As I understand the facts, the trustees of the Carnegie Foundation defined two classes: First, those professors in accepted institutions

who should have served 25 years—service already performed to count toward the period designated; second, those professors in accepted institutions who should continue in the service until they reach the age of 65 years. If the principles outlined above are correctly stated, professors belonging to the first class who at the time of the announcement were engaged in the designated class of work in accepted institutions, and were therefore eligible to a pension on completing the required period of service, have a vested property interest in the fund, subject to be defeated only by their failure to remain in the class for the requisite length of time. For example, if a professor were designated by name, and informed that he was eligible to the service pension on condition that he continue in service until he shall have taught 25 years, his rights would thereby become vested. If, instead of being named, he were a member of the first class, the case would be the same. His rights could no more be destroyed without his consent than the rights of the beneficiary under a life insurance policy can be cut off without his consent prior to the death of the life-insured. If the trustees have the power to annex new conditions to the receipt of a pension by members of the first class, they can cancel the designation of that class entirely; and if they can drop the first class, they can drop the second as well; they can abandon the present plan and adopt a new one, with wholly different beneficiaries.

"The only theory under which the trustees can claim a legal right to change beneficiaries at pleasure is, that the trust is a charity, or that the right to change has been expressly reserved. A charitable trust does not require, nor permit, definite beneficiaries. No individual can claim the enforcement of a charity in his behalf. But the trustees of the Carnegie Foundation have taken especial pains to make it certain that this is not a charitable trust. They have declared that the pensions to be paid are payments for services rendered, to which the recipients are to be entitled as of right, and not as a charity. If that is true, any man who entered the class before the trustees declared their intention to practically

abolish it, has rights enforceable in a court of equity. Were it not for repeated declarations of the trustees to the contrary, I should be strongly disposed to think the trust charitable. The courts would of course not be bound to adopt the view of its character now taken by the trustees, and the trustees may hereafter themselves think differently. Their recent change of attitude suggests that possibility. If unforeseen exigencies should compel them to take the position that the trust is after all in the nature of alms, very likely the courts would sustain them. A recipient of charity takes what he can get, not by right, but by grace.

"I assume, then, that the trust is non-charitable. It is true the trustees reserved the right to change their rules governing the details of administration; but obviously that has no reference to the abolition of a class already designated, so as to destroy vested interests. The articles of incorporation empower the trustees 'from time to time to modify the conditions and regulations under which the work shall be carried on,' and, by a two-thirds vote, to 'enlarge or vary the purposes' of the gift. This no doubt permits the door of entrance into either class to be closed at the discretion of the trustees; such action operates prospectively; but it is seriously doubted that the trustees by this clause reserve the power to cut off persons who are already in, and this includes all teachers and others of professorial rank who prior to the date of change in rule two were employed in accepted institutions."

Dean George F. James, of the College of Education, continued the discussion somewhat as follows:

"All of us remember with what pleasure we heard of Mr. Carnegie's gift for the advancement of university teaching. The general plan seemed to hold large promise for the improvement of higher institutions through better provisions for the teaching force. When the trustees later announced their plans in detail, the establishment of a service pension appeared from many points of view even more important than the accompanying ar-

angement of a retiring annuity at the age of sixty-five. As the trustees went on with their work and issued one report after another, proving the gradual acceptance by our colleges and universities of a uniform standard of entrance requirements and a minimum requirement in equipment, productive funds, and other conditions of efficiency, we became each year more convinced of the broad usefulness of the foundation.

"When the trustees suddenly disavowed one of the two main principles first adopted in respect to pensions, the announcement came as a distinct shock, not merely on account of the direct and immediate consequences, but even more on account of the uncertainty which might attach itself to the whole scheme of the foundation owing to this radical change of policy. The trustees had themselves on many occasions implied that of the pension system inaugurated by the foundation, the two best characteristics were the implicit confidence which beneficiaries might put in the consistent execution of the plans adopted, and the sense of right rather than favor which would be associated with each annuity granted. The first characteristic is largely eliminated by the sacrifice by the foundation of one important principle without any convincing statement as to either the advisability or the necessity of the action. The second characteristic on which the trustees have laid much stress can hardly be preserved, and professors in accepted institutions can hardly look upon the pension as a right rather than a charity, in view of the very serious strictures made by the president in the last annual report on a majority of the men who have so far retired on a service pension. The impersonal relationship which the trustees so properly emphasized as desirable between the foundation and the men retired under its provisions is thus very suddenly and vitally modified, with a resulting imminent danger that the attitude of university teachers the country over toward the foundation may no longer be as cordially sympathetic as hitherto.

"The problem of age and service pensions

under the foundation is sufficiently large and weighty so that no extraneous question should be brought into this discussion, but most of you must have observed with considerable interest, if not apprehension, the view adopted by a sister state in respect to private benefactions and the resulting indirect private control over public institutions. The plans of the Carnegie Foundation have commended themselves to us all, and the mode of procedure under these plans has, up to the present, been susceptible of no serious objection from the institutions which are cooperating or from the general public. Nevertheless, a very large element in public opinion is doubtful of the desirability of subjecting public education to any form of corporate influence which is not itself responsive to public opinion. Lest this feeling should grow so as to jeopardize the usefulness not only of this but of many instances of private benefaction, the trustees of the Carnegie Foundation, in the judgment of many disinterested and sympathetic observers, should be very much on their guard against any apparent transcendence of their real functions. In a recent report of the foundation a proof may be found of the delicate nature of the ground on which the foundation is treading in its official publications. Broad questions of educational administration must be to some extent raised and discussed in connection with the immediate problems of the foundation itself, but that a decided attitude should be taken by its officers as regards a problem not vital to its purposes, as was done recently in the matter of federal appropriations to education, will seem to many an act of doubtful propriety, and likely to arouse criticism otherwise unnecessary, if not to bring about an attitude of real hostility on the part of the public toward the work of the foundation.

"In the situation which now presents itself, the trustees of the Carnegie Foundation will certainly welcome an expression of opinion from all of the accepted institutions cooperating in its work, and therefore a motion is herewith made that the executive committee of this organization, representing the differ-

ent faculties of the University of Minnesota, be directed to submit to the executive committee of the Carnegie Foundation for the Advancement of Teaching that the service pension as originally planned and put into effect was one of the most admirable features among the many projected by the foundation; that the limitation now imposed is a serious impairment of its scope and nullifies very largely the beneficent object contemplated; that we sincerely regret the action of the trustees in their announcement of the practical withdrawal of such pension; that we deplore the lack of confidence which has resulted therefrom; and that in our opinion the service pension should be restored in a form not essentially different from its original."

In conformity with the above mentioned the executive committee will draw up a set of resolutions and forward the same to the trustees of the Carnegie Foundation at an early date.

SCIENTIFIC BOOKS

Précis d'Embryologie Humaine. Par F. TOURNEUX. Second edition. Pp. 589, 248 figures. Paris, 1909.

This work, like McMurrich's "The Development of the Human Body," is a text-book for the student of medicine. The two books have the same general character, being brief, concise and accurate statements of the outlines of human embryology. They are of almost the same size for, although the pages of the latter are somewhat larger, the smaller type of the former allows a greater compactness.

Tourneux has dispensed entirely with a bibliography, but has more than compensated for its absence by an historical treatment of the subject. Throughout the book he credits to each author, by putting his name and the date of the work in parentheses, his particular contribution to the subject. In this way the author succeeds admirably in giving the student an insight into the history of embryological research and in preventing him from feeling that the book is an ultimate authority.

The book begins with an introduction upon the history of embryology which the author divides into three periods: morphological, his-